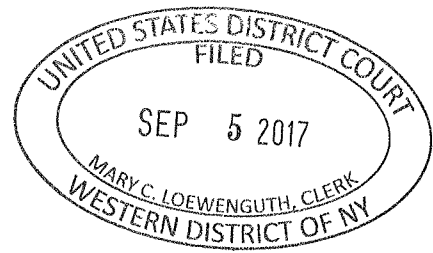


United States District Court  
Western District of New York



United States of America  
Plaintiff

v.

Marchelino Fernandez  
Defendant

Case No.: 1:09-cr-00142-001

NOW COMES Defendant with a 782 Amendment re Reduce the sentence imposed pursuant to Title 18 U.S.C. §3582(c)(2) that authorizes District Courts, in this instance, to modify an imposed sentence that if sentenced today, would subsequently be lower by the Sentencing Commission. United States v. Dunn, 782 F.3d 1151, 1155 (9th Cir. 2013).

Here, Defendant was sentenced in violation of Title 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(A), which ran concurrently. Defendant was sentenced to 148 months that was calculated with the Drug Quantity Tables used during original Post Sentence Relief and calculations that were based on the Drug Quantity Tables prior to the November 1, 2015 modifications that went into law on November 1, 2015.

Defendant comes now motioning the Court to calculate eligibility, examine Section 1B1.10 of the Sentencing Guidelines and applicable policies, and determine if the Defendant is eligible for modification pursuant to 782 Amendment that would reduce his sentence by 2 points.

Defendants calculations were based on drug quantity, and

Defendant was not a Career Criminal, thus the reduction should be applied due to the drug times table used at sentencing.

Defendant is a model inmate, and takes classes to better himself.

Defendant respectfully asks this Court, the Probation Department, and the Prosecutor to Grant Reduction. Defendant will still serve a great number of years for his crime even with this deduction, and Defendant would not be released much sooner to the community - thus posing no threat to the community.

Defendant prays that the Courts Grant 782 Amendment Reduction.

The above is true and fact pursuant to the laws of perjury.

Respectfully submitted,

*Marchelino Fernandez*  
Marchelino Fernandez  
Reg. No. 17538-055  
FCI Fort Dix  
PO Box 2000  
Joint Base MDL, NJ 08640

Certificate of Service

I, Marchelino Fernandez, have sent a true and accurate copy of the above Motion to: United States District Court, 2 Niagara Square, Buffalo, New York 14212

by no later than 8 / 28 / 2017

*Marchelino Fernandez*

INMATE NAME: Marcelino Fernandez  
REGISTER NO.: 17538-055  
HOUSING UNIT: 5702  
FEDERAL CORRECTIONAL INSTITUTION  
P.O. BOX 2000  
FORT DIX, NJ 08640

TRENTON NJ 086

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US District Court  
2 Niagara square  
Buffalo, NY 14212

14202-335099

